

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 5th day of November, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Vickie Abrego Mayor Pro Tempore
James A. Mills Council Member
Billy Ellis Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Mike Sullinger Interim City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief
Paul Alvarado Public Works Supervisor
Sarah Lee Civic Center Manager
Earl Buckmaster Harbormaster
Sandy Roddel Finance Director
Rickie Kilgore Fire Chief

OTHERS PRESENT: Thomas Estes, Sr, Gus Perez, Donald & Jeanie Brummett, Jen Rubinowitz, Ed & Ellie Block, Kent Claypool, Clive & Sheila Denney, Steve Stephenson, Terry Stansberry, Rosemary Vega, Robert Cohen, Lupe Torres, Ernie & Olivia Torres, Ernesto Torres, Jack Chaney, David Underbrink, and Phil & Nell Reynolds.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Knight called the Meeting to order at 7:00 P.M. on November 5, 2012.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the Invocation and Mayor Knight led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON MINUTES OF OCTOBER 15, 2012.**

B. **CONSIDER AND ACT ON ORDINANCE NO. 2012-4022 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO MR. JOHN POLLARD TO OPERATE A TRANSMISSION REPAIR SHOP AT 752 N. COMMERCIAL STREET, LOTS 27 THRU 31, BLOCK 521, ARANSAS PASS, ARANSAS COUNTY, TEXAS. SUBJECT TO CONDITIONS SETFORTH HEREIN.**

C. **CONSIDER AND ACT ON ORDINANCE NO. 2012-4023 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO MS. CHRISTINE WHITEHEAD TO OPERATE RE-SALE SHOP AT 827 N. COMMERCIAL, BEING LOTS 5 & 6, BLOCK 540, ARANSAS PASS, ARANSAS COUNTY, TEXAS. SUBJECT TO CONDITIONS SETFORTH HEREIN.**

D. CONSIDER AND ACT ON ORDINANCE NO. 2012-4024 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR MR. JUAN JOSE CRUZ TO OPERATE A BAR AT 157 S. COMMERCIAL STREET, BEING LOTS 13 THRU 16, BLOCK 548, 0.574 ACRES, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, SUBJECT TO CONDITIONS SET FORTH HEREIN.

Council Member Mills made a motion to approve the consent agenda. Council Member Hyatt seconded the motion and the motion carried unanimously.

The following item was tabled on October 15, 2012 and needs to be un-tabled before considering.

4. CONSIDER AND ACT ON DESIGNATING BY RESOLUTION ADMINISTRATION AND ENGINEERING SERVICE PROVIDERS FOR THE 2012 TEXAS CDBG FUND AWARD.

Council Member Mills made a motion to un-table Agenda Item No. 4. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Council Member Mills made a motion to approve a resolution designating GrantWorks, Inc. for administration services and Naismith Engineering for engineering services for the 2012 Texas CDBG Fund Award. Council Member Ellis seconded the motion and the motion carried unanimously.

The following item was tabled on October 15, 2012 and needs to be un-tabled before considering.

5. CONSIDER AND ACT ON RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2012 TEXAS CDBG PROGRAM.

Council Member Hyatt made a motion to un-table Agenda Item No. 5. Council Member Mills seconded the motion and the motion carried unanimously.

Council Member Mills made a motion to approve a resolution designating authorized signators for the 2012 Texas CDBG Program. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

6. CONSIDER AND ACT ON AUTHORIZING CITY STAFF AND CONSULTANTS TO MOVE FORWARD WITH A FINANCING PLAN FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012 WHEREBY THE CITY WOULD REFUND COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2003 FOR THE PURPOSE OF DEBT SERVICE SAVINGS.

Mr. Andrew Friedman, Southwest Securities, handed out a timeline of events for the General Obligation Refunding Bonds, Series 2012. He stated Southwest Securities needed a motion to proceed with private placement funding for the debt service savings. He stated if the motion to proceed is granted tonight then tomorrow, Tuesday, November 6, 2012, Southwest Securities would draw up a Private Placement Memorandum and Investor's Letter and send to Bond Counsel for comments. He stated comments of the Private Placement Memorandum and Investor's letter would be returned to the Financial Advisor by Friday, November 9, 2012. He stated by Wednesday, November 14, 2012, Private Placement Memorandum and Investor's Letters would be distributed to Potential Purchasers of the bond. He stated Bids from the Potential Purchaser's were due back by 12 Noon CDT on Thursday, November 29, 2012. Mr. Friedman stated he would be at the Monday, December 3, 2012 council meeting so City Council could authorize the sale of the Bonds to the lowest qualified bidder.

Council Member Mills made a motion to approve City Staff and Consultants to move forward with a financing plan for the issuance of General Obligation Refunding Bonds, Series 2012 whereby the City would Refund Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2003 for the purpose of debt service savings. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON RELEASING DEMOLITION LIEN NO. 170904 FOR \$1,250.00 ON LOTS 29 THRU 32, BLOCK 518 LOCATED ON NORTH COMMERCIAL STREET.

Ms. Jen Rubinowitz stated she had a timeline of events regarding the demolition on Lots 29 thru 32, Block 518, North Commercial Street. She stated on **04/28/88**-City Inspector determined buildings must be demolished; **05/02/88**-City notified owner Phillip Core buildings must be demolished or City would demolish buildings and place lien on property of \$1,250.00; **05/10/88**-Mr. Core sent letter to City requesting City delay placing lien because he was conveying property to his son Laurence Core; **11/09/88**-San Patricio County Clerk files Phillip Core deed to son, Laurence Core; **01/28/89**-Mr. Core sent letter to City requesting to pay \$100.00 a month

until lien is paid off; **08/02/89**-City receives back a bill to Mr. Phillip Core with a hand written note "letter returned"; **12/01/89**-Laurence Core sells property to Gloria Haskett with Stewart Title search showing no outstanding liens to title; **01/19/90**-City's notice of lien to Phillip Core filed with Aransas County Clerk 6 weeks after sale of property to Ms. Haskett; **12/30/10**-Executor's Deed transferring property to Carla Haskett; **09/30/12**-Carla Haskett contracts to sell property to Robert Claypool; **10/10/12**-Stewart Title discovers lien during title search; **10/11/12**-City provides payoff for original lien \$1,250.00 with interest totaling \$11,469.59. Ms. Rubinowitz asked the City Council if the City could forgive the lien of \$1,250.00 and all interest.

City Attorney Allen Lawrence stated the City Council could forgive all interest but could not forgive the original \$1,250.00 Demolition Lien.

Council Member Mills made a motion to forgive interest totaling \$10,219.59 but would not forgive the original demolition lien totaling \$1,250.00 on Lots 29 thru 32, Block 518 located on North Commercial Street. Council Member Ellis seconded the motion and the motion carried unanimously.

8. PUBLIC HEARING ON REQUEST OF MR. STEVE STEPHENSON TO CLOSE, ABANDON, AND VACATE A SEGMENT OF UNIMPROVED PORTION OF 200 BLOCK EAST YOAKUM.

Passed on.

9. CONSIDER AND ACT ON REQUEST OF MR. STEVE STEPHENSON TO CLOSE, ABANDON, AND VACATE A SEGMENT OF UNIMPROVED PORTION OF 200 BLOCK EAST YOAKUM.

Passed on.

10. CONSIDER AND ACT ON APPROVING THE REQUEST OF ROGER AND GLINDA PRITCHETT FOR CITY OF INGLESIDE TO SUPPLY WATER FOR COUNTRY VILLA RV PARL LOCATED AT THE CORNER OF COLLINS LANE AND FM 1069.

Council Member Mills made a motion to table Agenda Item No. 10. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

11. CONSIDER AND ACT ON CONTRACTING WITH MICHAEL ARNOLD, CPA/PLLC FOR AUDITING SERVICES FOR THE CITY OF ARANSAS PASS' 2011-2012 FISCAL YEAR AUDIT.

Council Member Hyatt made a motion to approve contracting with Michael Arnold, CPA/PLLC for auditing services for the City of Aransas Pass'2011-2012 Fiscal Year audit. Council Member Mills seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON APPROVING BUDGET AMENDMENTS FOR THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT IN THE AMOUNT OF \$325,000 FOR FISCAL YEAR 2011-2012 BUDGET FOR POLICE EQUIPMENT AND VEHICLES; \$10,000.00 FOR FISCAL YEAR 2012-2013 BUDGET FOR THE DEMOLITION OF OLD CRIME RELATED BUILDINGS; AND \$11,000.00 FOR FISCAL YEAR 2012-2013 BUDGET FOR THE PAY INCREASE OF SCHOOL RESOURCE OFFICER.

Council Member Mills made a motion to approve budget amendments for the Aransas Pass Crime Control and Prevention District in the amount of \$325,000 for Fiscal Year 2011-2012 Budget for police equipment and vehicles; \$10,000.00 for Fiscal Year 2012-2013 Budget for the demolition of old crime related buildings; and \$11,000.00 for Fiscal Year 2012-2013 Budget for the pay increase of school resource officer. Council Member Hyatt seconded the motion and the motion carried unanimously.

13. CONSIDER AND ACT ON AMENDING ORDINANCE NO. 2012-4004 – MOORING FEES – FROM \$300.00 PER NIGHT PER BARGE TO \$125.00 PER NIGHT PER BARGE ON THE INTERCOASTAL SIDE OF CONN BROWN HARBOR.

Interim City Manager stated Administrative Coordinator, Bill Haines, made inquiries of area ports and discovered the most money charged for mooring fees was \$135.00. He stated the City of Aransas Pass was charging \$300.00 per night per barge and would like to see that figure lowered.

Council Member Mills made a motion to amend Ordinance No. 2012-4004 – Mooring Fees – from \$300.00 per night per barge to \$125.00 per night per barge on the intercoastal coastal side

of Conn Brown Harbor. Council Member Hyatt seconded the motion and the motion carried unanimously.

14. **CONSIDER AND ACT ON AMENDING CHAPTER 29, SEC. 29-27 "WATER SERVICE CONNECTION PERMIT AND FEE"; SEC. 29-28 "WATER RATES"; SEC. 29-29 "SEWER CONNECTION CHARGES" AND SEC. 29-30 "SEWER RATES"; PROVIDING A REPEALER CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

Finance Director Sandy Roddel stated the new rates were included and adopted in the 2012-2013 Fiscal Year Budget with an effective date of December 1, 2012.

Council Member Mills made a motion amend Chapter 29, Sec. 29-27 "Water Service Connection Permit and Fee"; Sec. 29-28 "Water Rates"; Sec. 29-29 "Sewer Connection Charges" and Sec. 29-30 "Sewer Rates"; providing a repealer clause and providing an effective date.. Council Member Hyatt seconded the motion and the motion carried unanimously.

15. **CONSIDER AND ACT ON SOLID WASTE COLLECTION INCREASES DUE TO SERVICE PROVIDER INCREASES WITH REPUBLIC SERVICES (FORMERLY ALLIED WASTE SERVICES).**

Council Member Mills made a motion to approve solid waste collection increases due to service provider increases with Republic Services (formerly Allied Waste Services). Council Member Hyatt seconded the motion and the motion carried unanimously.

16. **CONSIDER AND ACT ON AWARDING BID FOR FOUR (4) PATROL SUV'S, ALL WHEEL DRIVE, FOR THE ARANSAS PASS POLICE DEPARTMENT.**

Council Member Hyatt made a motion awarding bid for four (4) Patrol SUV's all wheel drive for \$118,152.00, to Commercial Motor Company for the Aransas Pass Police Department. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

17. **CONSIDER AND ACT ON SETTING A JOINT WORKSHOP BETWEEN THE CITY OF ARANSAS PASS AND THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT.**

Mayor Pro Tem Abrego made a motion to approve Thursday, November 15, 2012 at 7:00 P.M. at City Hall for a joint workshop between the City Council and the Aransas Pass Municipal Development District. Council Member Hyatt seconded the motion and the motion carried unanimously.

18. **CONSIDER AND ACT ON SETTING A WORKSHOP DATE FOR LONG RANGE PLANNING SESSION FOR CITY COUNCIL.**

Mayor Pro Tem Abrego made a motion to approve setting a workshop date for Monday, December 10, 2012 at 7:00 P.M. at City Hall to discuss long range planning for the City of Aransas Pass. Council Member Hyatt seconded the motion and the motion carried unanimously.

19. **CITIZENS' COMMENTS.**

Mr. Andrew Torres congratulated the City Council for hiring Police Chief Eric Blanchard.

Mr. Kent Claypool stated he wanted to introduce himself to the City Council as the new owner of 460 N. Commercial (fka The Sugar Shack).

Mr. Ernie Torres expressed his opinions toward the Aransas Pass Housing Authority.

20. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting at 7:53 and retired into Executive Session.

- A. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – REGGIE H. WINTERS**
B. **SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY –ARANSAS PASS HOUSING AUTHORITY**
C. **SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – INSPECTION DEPT. BLDG. LEASE**

- D. SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – ARANSAS PASS SEAFOOD PACKERS, LLC
- E. SECTION 551.074 - DELIBERATIONS REGARDING PERSONNEL MATTERS – CITY MANAGER SEARCH
- F. SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – LAND ACQUISITION – WATER SYSTEM EXTENSION

21. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Knight reconvened the Regular Meeting at 8:26 P.M.

- A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – REGGIE H. WINTERS

No action taken.

- B. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – ARANSAS PASS HOUSING AUTHORITY

No action taken.

- C. SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – INSPECTION DEPT. BLDG. LEASE

No action taken.

- D. SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – ARANSAS PASS SEAFOOD PACKERS, LLC

Council Member Mills made a motion to amend Aransas Pass Seafood Packers, LLC Contract and Lease Agreement footage from 1,290' to 820'. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

- E. SECTION 551.074 - DELIBERATIONS REGARDING PERSONNEL MATTERS – CITY MANAGER SEARCH

Mayor Pro Tem Abrego made a motion to approve a special called meeting for Monday, November 12, 2012 at 7:00 P.M. at City Hall to discuss applicants for the 2012 City Manager Search. Council Member Ellis seconded the motion and the motion carried unanimously.

- F. SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – LAND ACQUISITION – WATER SYSTEM EXTENSION

Council Member Mills made a motion to approve Interim City Manager Mike Sullinger proceeding with contract negotiations for purchasing property for water system extension for the City of Aransas Pass. Council Member Hyatt seconded the motion and the motion carried unanimously.

22. ADJOURNMENT OF MEETING.

Council Member Hyatt made a motion to adjourn the meeting. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:50 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary